

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CASE NO. 5:16-CV-298-BO**

GARY AND ANNE CHILDRESS,)
RUSSELL AND SUZANNAH HO,)
MICHAEL CLIFFORD, DAVID)
CAVENDER, RUSTY DAVIS,)
CHRISTOPHER DERINGER, CHRISTINA)
DUNCAN, ROBIN HINSON, AND DAVID)
ORTIZ <i>on behalf of themselves and others</i>)
<i>similarly situated,</i>)
)
Plaintiffs,)
)
v.)
)
JPMORGAN CHASE BANK, N.A., and)
CHASE BANK USA, N.A.,)
)
Defendants.)

PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT

Plaintiffs Gary and Anne Childress, Russell and Suzannah Ho, Michael Clifford, David Cavender, Rusty Davis, Christopher Deringer, Christina Duncan, Robin Hinson, and David Ortiz (collectively "Plaintiffs")¹, with the agreement of Defendants JPMorgan Chase Bank, N.A. and Chase Bank USA, N.A. (collectively "Chase" or "Defendants"), under Fed. R. Civ. P. 23 and Local Rule 7.1, respectfully move the Court for an order:

1. Granting preliminary approval of the Settlement Agreement between the Class and Chase (Ex. A to the Memorandum of Law in Support of Motion for Preliminary Approval of Settlement ("Memorandum"));
2. Granting preliminary approval of the proposed Distribution Plan (Ex. A to the Settlement Agreement);

¹ Plaintiffs Anne Childress and Suzannah Ho were not appointed as Class Representatives but join in the Motion.

3. Approving the proposed forms of Notice of Class Action Settlement (“Class Notice”) (Exs. E and F to the Settlement Agreement) and manner of notice to the Class;
4. Appointing Rust Consulting as Settlement Administrator;
5. Approving the proposed schedule for completion of the approval and administration process and for Plaintiffs’ application for incentive awards to each of them and for attorneys’ fees, costs, and expenses, and for scheduling a final approval hearing; and
6. Staying all non-settlement-related proceedings in this action pending final approval of the proposed Settlement.

The grounds for this motion are that the proposed Settlement is fair, adequate, and reasonable, and that the other requested relief is well-grounded in law and fact, as set forth in the accompanying memorandum of law in support and the exhibits thereto.

This motion is based further on the declarations and affidavit of counsel, with exhibits, including the proposed Settlement Agreement between the Parties, the proposed Class Notice, and the Distribution Plan. Plaintiffs also file contemporaneously a proposed order for the relief set forth above.

Given the economic crisis caused by the COVID-19 pandemic, Plaintiffs request that this unopposed motion be heard on an expedited basis. While Plaintiffs recognize that the pandemic creates challenges for the Court, we make this request so that the settlement funds can be distributed to servicemembers and veterans in the Class as soon as possible. If the Court wishes to hear argument on this motion, Plaintiffs request that it be scheduled via telephone or video conferencing. Plaintiffs further request that the Court schedule the Final Approval Hearing for one hundred and three (103) calendar days after entry of the Preliminary Approval Order (the minimum time needed to complete notice and the final approval process) or as soon thereafter as is

convenient for the Court.

Submitted this the 11th day of June 2020.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion for Preliminary Approval of Settlement** has been electronically filed with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to the following:

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This the 11th day of June 2020.

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